

AMENDED IN SENATE MAY 4, 2004
AMENDED IN SENATE APRIL 12, 2004

SENATE BILL

No. 1700

Introduced by Senator Hollingsworth

February 20, 2004

An act to amend Sections 8499.5, 54744, 54745, and 54749 of the Education Code, relating to child care.

LEGISLATIVE COUNSEL'S DIGEST

SB 1700, as amended, Hollingsworth. Child care.

(1) Existing law requires the county board of supervisors and the county superintendent of schools to select members of the local child care and development planning council to provide a forum for the identification of local priorities for child care and the development of policies to meet the needs identified within those priorities. Existing law requires a local planning council to conduct an assessment of child care needs in the county no less than once every 5 years, and prescribes factors that the needs assessment shall take into consideration.

This bill would add the number of live births to teen mothers and the availability of educational programs and community support services for expectant and parenting teens to the list of factors to be considered in the needs assessment.

By increasing the factors a local planning council must consider in performing a needs assessment, this bill would create a state-mandated local program.

(2) Existing law, the California School Age Families Education Program (Cal-SAFE), provides state funding and assistance to school districts and county superintendents of schools for the purpose of

establishing comprehensive, continuous, community linked, school-based programs that focus on youth development and dropout prevention for pregnant and parenting pupils, and child care and development services for their children. Cal-SAFE requires participating entities to develop a county service coordination plan, which is required to contain specified information, including, but not limited to, the incidence of pregnant and parenting pupils receiving welfare aid by a method to be determined by the State Department of Education. Existing law requires *an* annual review of the plan.

This bill would, instead, require review of the plan at least once every 5 years and permit that review to occur as part of the ~~allocation~~ *local priority setting* process performed by local planning councils.

This bill would require the county service coordination plan to also include data elements related to the information specified by existing law, and would require information on the incidence of pregnant and parenting pupils to be assembled by income, using data from the latest decennial federal census, thereby creating a state-mandated local program.

(3) Existing law requires a school district or county superintendent of schools to maintain 2 separate accounts for the receipt and expenditure of Cal-SAFE funds, which are required to be expended for specific purposes.

This bill would permit a school district or county superintendent of schools to transfer funds ~~between these accounts~~ *from the account that holds funds required to be expended to provide certain supportive services to the account that holds funds required to be expended for child care and development services* if the amount transferred from ~~an~~ *the* account does not exceed 25% of the funds allocated by the state for that account in each fiscal year.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.



Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 8499.5 of the Education Code is
2 amended to read:
3 8499.5. (a) The department shall allocate child care funding
4 pursuant to Chapter 2 (commencing with Section 8200) based on
5 the amount of state and federal funding that is available.
6 (b) By May 30 of each year, upon approval by the county board
7 of supervisors and the county superintendent of schools, each local
8 planning council shall submit to the department the local priorities
9 it has identified that reflect all child care needs in the county. To
10 accomplish this, each local planning council shall do all of the
11 following:
12 (1) Conduct an assessment of child care needs in the county no
13 less than once every five years. The department shall define and
14 prescribe data elements to be included in the needs assessment and
15 shall specify the format for the data reporting. The needs
16 assessment shall also include all factors deemed appropriate by the
17 local planning council in order to obtain an accurate picture of the
18 comprehensive child care needs in the county. The factors include,
19 but are not limited to, all of the following:
20 (A) The needs of families eligible for subsidized child care.
21 (B) The needs of families not eligible for subsidized child care.
22 (C) The waiting lists for programs funded by the department
23 and the State Department of Social Services.
24 (D) The need for child care for children determined by the child
25 protective services agency to be neglected, abused, or exploited,
26 or at risk of being neglected, abused, or exploited.
27 (E) The number of children in families receiving public
28 assistance, including food stamps, housing support, and Medi-Cal,
29 and assistance from the Healthy Families Program and the
30 Temporary Assistance to Needy Families (TANF) program.
31 (F) Family income among families with preschool or
32 schoolage children.
33 (G) The number of children in migrant agricultural families
34 who move from place to place for work or who are currently
35 dependent for their income on agricultural employment in

1 accordance with subdivision (a) of, and paragraphs (1) and (2) of
2 subdivision (b) of, Section 8231.

3 (H) The number of children who have been determined by a
4 regional center to require services pursuant to an individualized
5 family service plan, or by a local educational agency to require
6 services pursuant to an individualized education program or an
7 individualized family service plan.

8 (I) The number of children in the county by primary language
9 spoken pursuant to the department's language survey.

10 (J) Special needs based on geographic considerations,
11 including rural areas.

12 (K) The number of children needing child care services by age
13 cohort.

14 (L) The number of live births to teen mothers by age and ZIP
15 Code using county birth information.

16 (M) The availability of educational programs and community
17 supportive services for expectant and parenting teens.

18 (2) Document information gathered during the needs
19 assessment which shall include, but need not be limited to, data on
20 supply, demand, cost, and market rates for each category of child
21 care in the county.

22 (3) Encourage public input in the development of the priorities.
23 Opportunities for public input shall include at least one public
24 hearing during which members of the public can comment on the
25 proposed priorities.

26 (4) Prepare a comprehensive countywide child care plan
27 designed to mobilize public and private resources to address
28 identified needs.

29 (5) Conduct a periodic review of child care programs funded by
30 the department and the State Department of Social Services to
31 determine if identified priorities are being met.

32 (6) Collaborate with subsidized and nonsubsidized child care
33 providers, county welfare departments, human service agencies,
34 regional centers, job training programs, employers, integrated
35 child and family service councils, local and state children and
36 families commissions, parent organizations, early start family
37 resource centers, family empowerment centers on disability, local
38 child care resource and referral programs, providers of educational
39 programs and community support services for expectant and

parenting teens, and other interested parties to foster partnerships designed to meet local child care needs.

(7) Design a system to consolidate local child care waiting lists, if a centralized eligibility list is not already in existence.

(8) Coordinate part-day programs, including state preschool and Head Start, with other child care and development services to provide full-day child care.

(9) Submit the results of the needs assessment and the local priorities identified by the local planning council to the board of supervisors and the county superintendent of schools for approval before submitting them to the department.

(10) Identify at least one, but not more than two, members to serve as part of the department team that reviews and scores proposals for the provision of services funded through contracts with the department. Local planning council representatives may not review and score proposals from the geographic area covered by their own local planning council. The department shall notify each local planning council whenever this opportunity is available.

(c) The department shall, in conjunction with the *State* Department of Social Services and all appropriate statewide agencies and associations, develop guidelines for use by local planning councils to assist them in conducting needs assessments that are reliable and accurate. The guidelines shall include acceptable sources of demographic and child care data, and methodologies for assessing child care supply and demand.

(d) The department shall allocate funding within each county in accordance with the priorities identified by the local planning council of that county and submitted to the department pursuant to this section, unless the priorities do not meet the requirements of state or federal law.

SEC. 2. Section 54744 of the Education Code is amended to read:

54744. (a) It is the intent of the Legislature that communities implementing new programs or initiatives connect with existing program strategies and build upon existing local collaboratives, when possible, to provide a unified integrated system of service for children and families.

(b) No application for participation in the Cal-SAFE program is complete unless each county superintendent of schools, in conjunction with superintendents of school districts, the

1 Adolescent Family Life Program, the Cal-Learn program, the
2 local child care and development planning council as defined by
3 Section 8499.5, and, as appropriate, other existing organizations
4 such as Healthy Start and local job training councils, have
5 developed a county service coordination plan for providing
6 educational and related support services to pregnant and parenting
7 teens and their children.

8 (c) The county service coordination plan shall include data
9 elements related to all of the following information:

10 (1) Incidence of live births to teen mothers by a method to be
11 determined by the State Department of Education.

12 (2) Incidence of pregnant and parenting pupils by income using
13 data from the latest decennial federal census.

14 (3) Incidence of low birth weight children born to teen mothers
15 by a method to be determined by the State Department of
16 Education.

17 (4) Educational alternatives for pregnant and parenting teens.

18 (5) Child care and development resources for the children of
19 teen parents.

20 (6) Public and private resources providing support services
21 necessary for pregnant and parenting teens to achieve
22 academically.

23 (7) Gaps and overlaps in educational and support services for
24 pregnant and parenting pupils and their children.

25 (8) Proposed strategies to address identified gaps and overlaps
26 in services.

27 (d) The county service coordination plan shall be submitted to
28 the State Department of Education no later than June 1, 2000.

29 (e) If the county service coordination plan is not submitted to
30 the State Department of Education by June 1, 2000, a local
31 education agency may only operate a Cal-SAFE program on an
32 interim basis until January 1, 2001.

33 (f) The county superintendent of schools, in conjunction with
34 superintendents of school districts, the Adolescent Family Life
35 Program, the Cal-Learn program, the local child care and
36 development planning council as described in Section 8499.3,
37 and, as appropriate, other existing organizations such as Healthy
38 Start and local job training councils, shall, at least once every five
39 years, review the county service coordination plan, update the plan
40 as needed, disseminate the revised plan to superintendents of

1 school districts within its jurisdiction, and submit a copy of the
2 revised plan to the State Department of Education.

3 (g) The county service coordination plan may be developed
4 and reviewed as part of the ~~allocation~~ *local priority setting* process
5 pursuant to Section 8499.5.

6 SEC. 3. Section 54745 of the Education Code is amended to
7 read:

8 54745. (a) In the administration of the Cal-SAFE program,
9 the following provisions apply:

10 (1) Participation by a school district or county superintendent
11 of schools in the Cal-SAFE program is voluntary.

12 (2) The governing board of a school district or county
13 superintendent of schools may submit an application to the State
14 Department of Education in the manner and form, and by the date
15 specified by the department to establish and maintain a Cal-SAFE
16 program.

17 (3) A school district or county superintendent of schools
18 approved to implement the Cal-SAFE program shall be funded as
19 one program to be operated at one or multiple sites depending upon
20 the need within the service area.

21 (4) Notwithstanding any other law, a school district or county
22 superintendent of schools operating, by October 1, 1999, a School
23 Age Parent and Infant Development Program pursuant to Article
24 17 (commencing with Section 8390) of Chapter 2 of Part 6, a
25 Pregnant Minors Program pursuant to Chapter 6 (commencing
26 with Section 8900) of Part 6 and Section 2551.3, or a Pregnant and
27 Lactating Students Program pursuant to Sections 49553 and
28 49559, as those provisions existed prior to January 1, 1999, or any
29 combination thereof, that chooses to participate in the Cal-SAFE
30 program shall have priority for Cal-SAFE program funding for an
31 amount up to the dollar amount provided to each school district or
32 county superintendent of schools under those provisions in the
33 fiscal year prior to participation in the Cal-SAFE program,
34 provided that an application is submitted and approved.

35 (5) If a school district or county superintendent of schools
36 operating a School Age Parent and Infant Development Program,
37 a Pregnant Minors Program, or a Pregnant and Lactating Students
38 Program, or any combination thereof, chooses not to participate in
39 the Cal-SAFE program, it is the intent of the Legislature that the
40 funding it would have received for the operation of those programs

1 shall be redirected to the Cal-SAFE program and the school district
2 or county superintendent of schools may apply in a subsequent
3 school year to operate a Cal-SAFE program.

4 (6) A school district or county superintendent of schools that
5 terminates its Cal-SAFE program may reapply to establish a
6 Cal-SAFE program.

7 (7) In order to continue implementation of the Cal-SAFE
8 program beyond the initial three years of funding, each funded
9 agency shall be reviewed by the department to determine progress
10 toward achieving the goals set forth in Section 54742. Thereafter,
11 funded agencies shall be reviewed and reauthorized every five
12 years based upon a process determined by the department to
13 continue implementation of a Cal-SAFE program.

14 (b) All of the following requirements apply to an application
15 for the Cal-SAFE program:

16 (1) The governing board of a participating local education
17 agency shall adopt a policy or resolution declaring its commitment
18 to provide a comprehensive, continuous, community-linked
19 program for expectant and parenting pupils and their children that
20 reflects the cultural and linguistic diversity of the community.

21 (2) The local education agency shall provide assurance for
22 participation in the development and review of the County Service
23 Coordination Plan as described in Section 54744.

24 (3) A school district or county superintendent of schools shall
25 agree to participate in the data collection and evaluation of the
26 Cal-SAFE program.

27 (c) To implement a Cal-SAFE program, the funded school
28 district, or county superintendent of schools shall meet all of the
29 following criteria:

30 (1) Be in compliance with the regulations adopted pursuant to
31 Title IX of the Education Amendments of 1972.

32 (2) Ensure that enrolled pupils retain their right to participate
33 in any comprehensive school or educational alternative programs
34 in which they could otherwise enroll. School placement and
35 instructional strategies shall be based upon the needs and styles of
36 learning of the individual pupils. The classroom setting shall be the
37 preferred instructional strategy unless an alternative is necessary
38 to meet the needs of the individual parent, child, or both.

39 (3) Enroll pupils into the Cal-SAFE program on an open entry
40 and open exit basis.

1 (4) Provide a quality education program to pupils in a
2 supportive and accommodating learning environment with
3 appropriate classroom strategies to ensure school access and
4 academic credit for all work completed.

5 (5) Provide parenting education and life skills instruction to
6 enrolled pupils.

7 (6) Make maximum utilization of available programs and
8 facilities to serve expectant and parenting pupils and their
9 children.

10 (7) Provide a quality child care and development program for
11 the children of enrolled teen parents located on or near the
12 schoolsite.

13 (8) Make maximum utilization of its local school food service
14 program.

15 (9) Provide special school nutrition supplements, as defined by
16 subdivision (b) of Section 49553, to pregnant and lactating pupils.

17 (10) Enter into formal partnership agreements, as necessary,
18 with community-based organizations and other governmental
19 agencies to assist pupils in accessing support services or to provide
20 child care and development services.

21 (11) Provide staff development and community outreach in
22 order to establish a positive learning environment and school
23 policies supportive of expectant and parenting pupils' academic
24 achievement and to promote the healthy development of their
25 children.

26 (12) Maintain an annual program budget and expenditure
27 report to document that funds are expended pursuant to Section
28 54749.

29 (13) Assess no fees to enrolled pupils or their families for
30 services provided through the Cal-SAFE program.

31 (14) Establish and maintain a database in the manner and form
32 prescribed by the State Department of Education for purposes of
33 program evaluation.

34 (15) Coordinate to the maximum extent possible with
35 Cal-Learn program case managers provided pursuant to Section
36 11332.5 of the Welfare and Institutions Code and Adolescent
37 Family Life Program case managers provided pursuant to Article
38 1 (commencing with Section 124175) of Chapter 4 of Part 2 of
39 Division 106 of the Health and Safety Code.



1 SEC. 4. Section 54749 of the Education Code is amended to
2 read:

3 54749. (a) For the 2000–01 fiscal year and each fiscal year
4 thereafter, a school district or county superintendent of schools
5 participating in Cal-SAFE is eligible for state funding from funds
6 appropriated for services provided for the purposes of the program
7 as follows:

8 (1) A support services allowance of two thousand two hundred
9 thirty-seven dollars (\$2,237) for each unit of average daily
10 attendance generated by each pupil who has completed the intake
11 process pursuant to subdivision (a) of Section 54746 and is
12 receiving services pursuant to subdivision (b) of Section 54746.
13 This allowance shall be adjusted annually by the inflation factor
14 set forth in subdivision (b) of Section 42238.1. In no event shall
15 more than one support service allowance be generated by any pupil
16 concurrently enrolled in more than one educational program.

17 (A) A support services allowance may not be claimed for units
18 of average daily attendance reported pursuant to the following:

19 (i) Subdivision (b) of Section 1982 for pupils attending county
20 community schools operated pursuant to Chapter 6.5 of Part 2
21 (commencing with Section 1980).

22 (ii) Pupils attending juvenile court schools operated pursuant
23 to Article 2.5 (commencing with Section 48645) of Chapter 4 of
24 Part 27.

25 (iii) Pupils attending community day schools operated
26 pursuant to Article 3 (commencing with Section 48660) of
27 Chapter 4 of Part 27.

28 (iv) Pupils attending a county operated Cal-SAFE program
29 pursuant to this article whose attendance is reported pursuant to
30 Section 2551.3.

31 (B) A support services allowance may not be used to supplant
32 average daily attendance and revenue limit funding provided
33 pursuant to paragraph (2) for the support of educational programs
34 that Cal-SAFE program pupils attend.

35 (2) Average daily attendance and revenue limit funding for
36 pupils receiving services in the Cal-SAFE program shall be
37 computed pursuant to provisions and regulations applicable to the
38 educational program or programs that each pupil attends, except
39 as provided in paragraph (3).



(3) For attendance not claimed pursuant to paragraph (2), a county office of education may claim the statewide average revenue limit per unit of average daily attendance for high school districts, payable from Section A of the State School Fund, for the attendance of pupils receiving services in the Cal-SAFE program, provided that no other revenue limit funding is claimed for the same pupil and pupil attendance of no less than 240 minutes per day and is computed and maintained pursuant to Section 46300.

(4) Except as provided in subdivision (c) of Section 54749.5, operators of Cal-SAFE programs shall be reimbursed in accordance with the amount specified in subdivision (b) of Section 8265 and the amounts specified in subdivisions (a) and (b) of Section 8265.5 for each child receiving services pursuant to the Cal-SAFE program who is the child of teen parents enrolled in the Cal-SAFE program. To be eligible for funding pursuant to this paragraph, the operational days of child care and development programs are only those necessary to provide child care services to children of pupils participating in Cal-SAFE.

(5) Notwithstanding paragraph (1), pupils for whom attendance is reported pursuant to subdivision (b) of Section 1982, pupils attending juvenile court schools, and pupils attending community day schools may complete the intake process for the Cal-SAFE program and, if the intake process is completed, shall receive services pursuant to subdivision (b) of Section 54746. The children of pupils receiving services in the Cal-SAFE program pursuant to subdivision (b) of Section 54746 and attending juvenile court schools, county community schools, or community day schools are eligible for funding pursuant to paragraph (4) and no other provisions of this section.

(b) Funds allocated pursuant to paragraph (1) of subdivision (a) shall be maintained in a separate account and shall be expended only to provide the supportive services enumerated in subdivision (b) of Section 54746, to provide in-service training as specified in subdivision (d) of Section 54746, and for the expenditures enumerated in subdivision (d) of this section.

(c) Funds allocated pursuant to paragraph (4) of subdivision (a) shall be maintained in a separate account and shall be expended only to provide developmentally appropriate child care and development services pursuant to subdivision (c) of Section 54746 and staff development of child development program staff

1 pursuant to subdivision (d) of Section 54746 for children of teen
2 parents enrolled in the Cal-SAFE program for the purpose of
3 promoting the children's development comparable to age norms,
4 access to health and preventive services, and enhanced school
5 readiness.

6 (d) Funds generated pursuant to Section 2551.3, subdivision
7 (b) of Section 54749.5, and this section shall be maintained in a
8 separate account and shall be expended only to provide the
9 services enumerated in Section 54746 and the following
10 expenditures as defined by the California State School Accounting
11 Manual:

12 (1) Expenditures defined as direct costs of instructional
13 programs.

14 (2) Expenditures defined as documented direct support costs.

15 (3) Expenditures defined as allocated direct support costs.

16 (4) Expenditures for indirect charges.

17 (5) Expenditures defined as facility costs, including the costs
18 of renting, leasing, lease purchase, remodeling, or improving
19 buildings.

20 (e) Indirect costs ~~may~~ *shall* not exceed the lesser of the
21 approved indirect cost rate or 10 percent.

22 (f) Expenditures that represent contract payments to
23 community-based organizations and other governmental agencies
24 pursuant to paragraph (10) of subdivision (b) of Section 54745 for
25 the operation of a Cal-SAFE program shall be included in the
26 Cal-SAFE program account.

27 (g) To the extent permitted by federal law, any funding made
28 available to a school district or county superintendent of schools
29 is subject to all of the following conditions:

30 (1) The program is open to all eligible pupils without regard to
31 any pupil's religious beliefs or any other factor related to religion.

32 (2) No religious instruction is included in the program.

33 (3) The space where the program is operated is not used in any
34 manner to foster religion during the time used for operation of the
35 program.

36 (h) A school district or county superintendent of schools
37 implementing a Cal-SAFE program may establish a claims
38 process to recover federal funds available for any services
39 provided that are Medi-Cal eligible.

(i) For purposes of serving pupils enrolled in the Cal-SAFE program in a summer school program or enrolled in a school program operating more than 180 days, eligibility for child care services pursuant to subdivision (c) of Section 54746 shall be determined by the parent's hours of enrollment and shall be for only those hours necessary to further the completion of the parent's educational program.

(j) To meet startup costs for the opening of child care and development sites, as defined in subdivision (ab) of Section 8208, and applicable regulations, a school district or county office of education may apply for a one-time 15-percent service level exemption within the amount appropriated in the annual Budget Act for the purposes of paragraph (4) of subdivision (a) for each site meeting the criteria set forth in subdivision (ab) of Section 8208. To the extent that Budget Act funding is insufficient to cover the full costs of Cal-SAFE child care, reimbursements to all participating programs shall be reduced on a pro rata basis. A school district or county office of education shall submit claims pursuant to this subdivision with other claims submitted pursuant to this section. Funding provided for startup costs shall be utilized for approvable startup costs enumerated in subdivision (a) of Section 8275.

(k) To meet costs for the renovation, repair, or improvement of an existing building to make the building suitable for licensure for child care and development services and for the purchase of new relocatable child care facilities for lease to school districts and contracting agencies that provide child care and development services, a school district or county office of education that provides child care pursuant to this article may apply for and receive funding pursuant to Section 8278.3.

(l) Notwithstanding any other provision of this article, the implementation of this article is contingent upon appropriations in the annual Budget Act for the purpose of its administration and evaluation by the State Department of Education.

(m) Notwithstanding any other law, a charter school may apply for funding pursuant to this article and shall meet the requirements of this article to be eligible for funding pursuant to this section.

(n) A school district or county superintendent of schools may transfer funds ~~between the accounts~~ *from the account* maintained pursuant to ~~subdivisions (b) and (c)~~ *subdivision (b) to the account*

1 *maintained pursuant to subdivision (c)* if the amount transferred
2 from ~~an~~ *the* account does not exceed 25 percent of the funds
3 allocated by the state for that account in each fiscal year.

4 SEC. 5. Notwithstanding Section 17610 of the Government
5 Code, if the Commission on State Mandates determines that this
6 act contains costs mandated by the state, reimbursement to local
7 agencies and school districts for those costs shall be made pursuant
8 to Part 7 (commencing with Section 17500) of Division 4 of Title
9 2 of the Government Code. If the statewide cost of the claim for
10 reimbursement does not exceed one million dollars (\$1,000,000),
11 reimbursement shall be made from the State Mandates Claims
12 Fund.

